IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JOHN W. MERRILL	§	Group Art Unit: 2743
	§	
Appeal No. 2001-2630	§	
	§	
Serial No.: 09/115,359	§	
	§	Examiner: R. Sax
Filed: July 14, 1998	§	
	§	
For: Automatic Speech Recognition	§	Atty. Dkt. No.: ITL.0038US P5634
	§	

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Mail Stop **Appeal Brief-Patents**
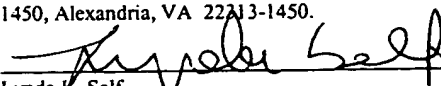Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

In response to the Decision on Appeal in the above-referenced appeal, reconsideration is respectfully requested.

1.   Is Claim 14 Anticipated by Trower?

Claim 14 plainly calls for an object to do two functions. Those two functions are to respond to both spoken and non-spoken commands. It was always conceded and always understood that computer systems were available that could respond to both spoken and non-spoken commands. They can do so by providing two different objects.

The present claim distinguishes over those systems that use two different apparatus within the system to respond to spoken commands by requiring that a single object handle both spoken and non-spoken commands. An object is defined in Microsoft's Computer Dictionary as "in object oriented programming, a variable comprising both routines and data that is treated as the discrete entity." (Copy attached.)

The analysis of the Board effectively concurs with the Appellant's argument by suggesting that it is only the system that responds to both spoken and non-spoken commands. No where in the Board's decision does it ever suggest that an object in Trower does both functions. Specifically, at page 5, the Board explains that "we find that the disclosure of Trower discloses to the artisan that the computer responds to spoken and non-spoken command information as recited in representative claim 14." Of course, this is true and that is the whole point that Appellant was trying to make. The fact that Trower's computer system responds to spoken and non-spoken commands is nothing but the typical prior art. The claim requires that an object within that computer system do both items.

Similarly, the Board's decision on page 5 states that "Trower also discloses that 'server monitors input from the operating system ...'." But, again, the fact that the server monitor is not what is claimed. Finally, the Board concludes that "each of these portions of Trower discloses the artisan that Trower is intended to respond to spoken and non-spoken command information as recited in claim 14." But, of course, this misapprehends claim 14, which requires that an object does these functions.
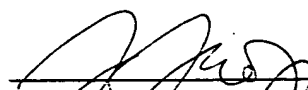
For example, as pointed out on page 4, lines 15-18 of the specification, in some embodiments, the control 14 can receive either spoken or tactile inputs from the button driver 18

and acts in response to each type of input in essentially the same way. In contrast, in the prior art, the information from one type of input goes to one type of control and the information from the other type of input goes to a different type of control.

Therefore, reconsideration of the rejection of claim 14 is respectfully requested.

Respectfully submitted,

Date: 11/10/03

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